UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

LOCAL RULES OF CIVIL PROCEDURE

As Amended July 28, 2000

TABLE OF RULES

RULE 1

SCOPE OF RULES

(a) Title and Citation.

These Rules shall be known as the Local Civil Rules of the United States District Court for the District of Connecticut. They may be cited as D. Conn. L. Civ. R. ___.

(b) Effective Date.

These rules shall govern the conduct of proceedings in all civil actions pending in the United States District Court for the District of Connecticut on or after May 1, 1985.

RULE 2

ADMISSION OF ATTORNEYS

(a) Qualifications.

Any attorney of the bar of the State of Connecticut or of the bar of any United States District Court whose professional character is good may be admitted to practice in this Court upon motion of any attorney of this Court and upon taking the proper oath and the entry of said attorney's name in the records of the Court.

(b) Procedure for Admission.

Each applicant for admission to the bar of this Court shall file with the Clerk of this Court a written petition accompanied by a sworn affidavit setting forth the applicant's residence and office address, by what Courts the applicant has been admitted to practice, the applicant's legal training and experience at the bar, and that the applicant has studied carefully the jurisdictional provisions of Title 28 U.S.C., the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the Local Rules of this Court. The affidavit shall also state whether the applicant has ever been convicted of any crime, other than minor traffic offenses, and whether the applicant has ever been denied admission to or disciplined by any Court, whether by way of disbarment, suspension from practice, censure or otherwise. If the applicant has been convicted of any crime, other than minor traffic offenses, or has been denied admission to or been disciplined by any Court, the active Judges of this District or their designee shall make such inquiry as they deem appropriate, and it shall take a majority vote of the active Judges of this District to admit such applicant to this bar. For the purpose of this Rule 2(b), "minor traffic offenses" shall mean motor vehicle violations which are neither felonies nor misdemeanors. The petition and affidavit of the applicant shall be accompanied by the sworn affidavit of two members of the bar of this Court, how long and under what circumstances they have known the applicant, what they know of the applicant's character and his or her experience as a lawyer. The sponsoring attorney shall certify in the affidavit that he or she knows of no fact which would call into question the integrity or character of the applicant. The Clerk will examine the petition, affidavit and certificates and, if found to be in compliance with this Rule 2(b), the petition for admission will be presented to the Court at a time and place selected by the Clerk. When a petition is called, one of the members of the bar of this District shall move the admission of the petitioner. If admitted, the petitioner shall in open Court take an oath to support the constitution and laws of the United States of America, and to discharge faithfully his or her duties as an attorney according to law and the recognized standards of ethics of the profession. Under the

direction of the Clerk, the newly admitted attorney shall sign the roll of attorneys and pay the fee required by law. Additionally, he or she shall pay a fee of $10.00, which shall be placed by the Clerk in a fund to be used for expenses incurred pursuant to Rule 3 of these Local Rules of Civil Procedure.

(c) Local Office.

1. No member of the bar of this Court who does not have an office for the transaction of business in person within the District of Connecticut and no visiting lawyer admitted specially under Rule 2(d) not having an office for the transaction of business in person within the District of Connecticut shall appear as attorney of record in any cause without specifying on the record a member of the bar of this Court having an office within the District of Connecticut, upon whom service of all papers shall also be made. All communications sent by the Court to the local office so designated shall have the same force and effect as if said communications were sent to the out of state office of a visiting lawyer who has been admitted pursuant to Rule 2(d), even where the sponsoring lawyer has been excused from attendance in Court pursuant to Rule 2(d)1 of these Local Rules of Civil Procedure.

2. Any party appearing *pro se* must give an address within the District of Connecticut where service can be made upon him or her in the same manner as service is made on an attorney.

3. A member of the bar of this Court who changes his or her office address shall notify the Clerk of such change of address within thirty (30) days of such change, and shall at the same time provide the Clerk with a list of all pending cases in which the attorney has filed an appearance.

(**d) Visiting Lawyers.**

1. Lawyers not members of the bar of this Court who are members in good standing of the bar of another Federal or State Court may be permitted to represent clients in criminal, civil and miscellaneous proceedings in this Court on written motion by a member of the bar of this Court. The motion shall state the visiting lawyer’s office address, shall identify each Court of which the visiting lawyer is a member of the bar, and shall state that said lawyer has not been denied admission or disciplined by this Court or any other court. Said motion shall be made promptly and may be denied if granting the motion would require modification of a scheduling order entered pursuant to Fed. R. Civ. P. 16(b) or the deadlines established by the standing order on scheduling in civil cases. If the motion is granted, the sponsoring lawyer may apply to be excused from attendance in Court. A sponsoring lawyer who is excused from attendance in Court is not thereby relieved of any other obligation of an appearing attorney.

2. Each such motion filed on behalf of an attorney shall be accompanied by payment to the Clerk of this Court of a fee of $25.00,

which shall be placed in a fund by the Clerk to be used for expenses incurred pursuant to Rule 3 of these Local Rules.

3. If a visiting lawyer, admitted to participate in a trial in this Court in conformity with paragraph 1 of Rule 2(d) of these Local Rules, shall be disciplined in accordance with Rule 3 of these Local Rules, the chief Judge shall address to the presiding Judge of every Court having disciplinary powers over a bar of which said visiting lawyer is a member, a communication specifying the conduct which led to such disciplinary action, supported when feasible by pertinent extracts from the reporter's transcript or by other documentary evidence, for such disciplinary action, if any, as said Court or Courts shall deem appropriate.

RULE 3

DISCIPLINE OF ATTORNEYS

(a) Professional Ethics.

1. Other than the specific Rules enumerated in Rule 3(a)2 of these Local Rules, this Court recognizes the authority of the "Rules of Professional Conduct," as approved by the Judges of the Connecticut Superior Court as in effect on October 1, 1986, as expressing the standards of professional conduct expected of lawyers practicing in the District of Connecticut. Any changes made by the Judges of the Connecticut Superior Court to the Rules of Professional Conduct after October 1, 1986, shall not be binding in the District of Connecticut, unless such changes are expressly adopted by order of the District Judges. The interpretation of said Rules of Professional Responsibility by any authority other than the United States Supreme Court, the United States Court of Appeals for the Second Circuit and the United States District Court for the District of Connecticut shall not be binding on disciplinary proceedings initiated in the United States District Court for the District of Connecticut.

2. Rules 3.6 and 3.7(b) of the Rules of Professional Conduct are not adopted as rules governing professional conduct in the District of Connecticut. The ethical standards governing public statements by counsel in a criminal case are set forth in Local Criminal Rule 13. The ethical standards governing participation as counsel in a case where either the attorney or another attorney in his or her firm may be a witness for both civil and criminal cases are set forth in Local Civil Rule 33.

(b) Grievance Committee.

1. The active Judges of this Court shall appoint a Grievance Committee of the United States District Court for the District of Connecticut consisting of nine members of the bar of this Court. Three members shall be appointed for a term of one year; three members shall be appointed for a term of two years; and three members shall be appointed for a term of three years. At the conclusion of each such term, each succeeding appointment shall be for a term of three (3) years.

2. The active Judges of this Court shall appoint one such member chairperson of the Grievance Committee. In the event that a vacancy arises before the end of a term, a member of the bar of this Court shall be appointed by the active Judges of this Court to fill the vacancy for the balance of the term. Five members of the Grievance Committee shall constitute a quorum, and any action taken by the

Grievance Committee shall be by a majority vote of those members present and voting.

3. The Grievance Committee and counsel to the Grievance Committee shall have the use of the staff of the Clerk for clerical and record-keeping assistance, shall have the power to issue subpoenas to compel witnesses to testify and produce documents at proceedings, and may incur such expenses as shall be approved by the chief Judge of this Court. Compulsory process shall be available to the attorney complained against.

(c) Proceedings Upon Complaint.

1. Any person may file with the Clerk of the Court a written verified complaint alleging attorney misconduct relating to any matter within the jurisdiction of this Court. The Clerk shall assign a docket number, consisting of the initials "GP," the last two digits of the year of filing, the number of the case (with the first case of each year being designated as number 1), and the initials of the Judge to whom the case has been assigned. Each complaint shall be assigned to a Judge on a random District-wide basis. The personnel of the Clerk's office shall not reveal to any person other than a Judge or the Clerk of this Court the order of assignment of such complaints. The Clerk shall then forward a copy of the complaint to the chairperson of the Grievance Committee. The complaint, and the fact of filing the complaint, shall be confidential and shall not be a record open to the public. The Grievance Committee, upon appropriate notice, shall conduct such hearings as it deems appropriate under rules for fair procedure, in private unless requested to be in a public proceeding by the attorney complained against, and conclude whether to recommend that the complaint be dismissed or that the attorney complained against be disciplined (1) by private or public censure, (2) by suspension from the practice of law for a fixed period of time, or (3) by disbarment.

2. When any misconduct or allegation of misconduct which would warrant discipline of any attorney admitted to practice before this Court comes to the attention of any Judge of this Court, the Judge may refer the matter to the Grievance Committee for the initiation of a presentment or the formulation of such other recommendation as may be appropriate. Nothing in this Rule 3 shall be interpreted to limit the inherent authority of the Judge to enforce the standards of professional conduct by way of appropriate proceedings other than by referral to the Grievance Committee.

(d) Recommendation for Disciplinary Action.

The Grievance Committee shall file its written recommendation in Court. If the recommendation of the Committee is to dismiss the complaint, the Judge to whom the complaint has been assigned may dismiss the complaint on the written record presented by the Committee. If the Judge decides not to dismiss the complaint, or if

the Grievance Committee recommends that disciplinary action be taken, the Grievance Committee shall file a written presentment in Court and shall seek from the Court an order to show cause why the attorney complained against should not have disciplinary action taken against him or her as prayed for in the presentment. Within thirty (30) days of service of the presentment and order to show cause, the attorney complained against shall file a written answer, after which a hearing on the issues shall be held. At the hearing, the attorney complained against shall have a right to be represented by counsel, shall have the right to confront and cross-examine witnesses, and shall have the right to offer the testimony of witnesses on his or her behalf. Such presentments shall proceed as civil actions. The burden shall be on the Grievance Committee to prove by clear and convincing evidence that the attorney complained against should be disciplined. If the presentment seeks only a private censure, all proceedings shall be in private and all pleadings shall be under seal, unless requested to be in a public proceeding by the attorney complained against. Any presentment which arises out of conduct witnessed by a particular Judge of this Court shall not be assigned to that Judge.

(e) Attorneys Convicted of Crimes.

1. The Grievance Committee shall take such action as is necessary to keep informed of convictions of “serious crimes,” as hereinafter defined, of attorneys admitted to practice before this Court and cause certified copies of such convictions to be filed with this Court.

2. Upon the filing with this Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the Court has been convicted in any Court in the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States, of a serious crime, the Court shall enter an order immediately suspending that attorney from practice before this Court, whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal, until final disposition of a disciplinary proceeding to be commenced upon such conviction. A copy of such order shall immediately be served upon the attorney. Upon good cause shown, the Court may set aside such order when it is in the interest of justice to do so. An attorney suspended under the provisions of this subparagraph 2 shall be reinstated immediately upon filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed, but reinstatement will not terminate disciplinary proceedings against the attorney brought pursuant to this Rule 3.

3. Upon the filing of a certified copy of a judgment of conviction of an attorney for a serious crime, the Court shall, in addition to suspending that attorney, refer the matter to counsel for the Grievance Committee for the institution of a presentment before this Court, in the manner specified in Rule 3(d), in which the sole

issue to be determined shall be the extent of the final discipline to be imposed as the result of the conduct resulting in the conviction, provided that a disciplinary proceeding so instituted shall not be brought to final hearing until all direct appeals from the conviction are concluded.

4. When the conviction of any attorney admitted to practice before the Court of a serious crime in any country foreign to the United States comes to the attention of the Court, the Grievance Committee or its counsel, the Grievance Committee shall direct counsel for the Committee to conduct an investigation to determine the nature of the crime, proof of the conviction, and the relationship that the foreign crime has to similar serious crimes in the United States. Upon conclusion of the investigation, counsel shall make a recommendation to the Committee as to whether or not the Committee should seek an order from the Court immediately suspending the attorney, and as to whether there should be instituted a presentment before the Court pursuant to Rule 3(d).

5. The term “serious crime” shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, moral turpitude, willful failure to file tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit or the aiding and abetting the commission of a “serious crime.”

6. A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.

(**f) Discipline or Resignation Imposed in Other Courts.**

1. Any attorney receiving disciplinary action against him or her by final judgment or order of the Courts of Connecticut or any other state or federal Court or any attorney resigning from the bar of the State of Connecticut or any other state or federal Court, shall promptly inform the Clerk of this Court of such action.

2. Upon the filing of such information pursuant to paragraph (f) of this Rule 3, or such information having otherwise come to the attention of this Court or of the Grievance Committee, counsel for the Grievance Committee shall institute a presentment, in the manner specified in paragraph (d) of this Rule 3, petitioning the Court to impose the identical discipline upon or require the resignation of the attorney receiving such disciplinary action or so resigning. After hearing, the Court shall require the resignation of the attorney or shall impose the identical discipline against the attorney unless the Court finds that, on the face of the record upon which the discipline in another jurisdiction is predicated, it clearly appears:

a. that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

b. that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that the Court could not, consistent with its duty, accept as final the discipline imposed; or

c. that the imposition of the same discipline by the Court would result in grave injustice; or

d. that the misconduct established is deemed by the Court to warrant substantially different discipline.

Where the Court determines that any such elements exist, it shall enter such other order as it deems appropriate.

(g) Mental Disability or Incapacity.

1. In the event an attorney is by a Court of competent jurisdiction (1) declared to be incapable of managing his or her affairs or (2) committed involuntarily to a mental hospital for drug dependency, mental illness, or the addictive or excessive use of alcohol, the Court shall enter an order summarily suspending said attorney from practice, effective immediately, for an indefinite period and until further order of the Court. A copy of such order shall be served, in such manner as the Court shall direct, upon such attorney, his conservator if any, and the director of any institution in which he or she may reside. Said attorney may immediately file a petition for reinstatement pursuant to paragraph (i) of this Rule 3.

2. Whenever the Grievance Committee shall have reason to believe that an attorney is incapacitated from continuing to practice law by reason of mental infirmity or illness or because of drug dependency or addiction to alcohol, it shall file a presentment in accordance with paragraph (d) of this Rule 3. The Grievance Committee may take or direct such action as it deems necessary or proper in order to determine whether such attorney is incapacitated, including examination of the attorney by such qualified medical expert or experts as the Grievance Committee shall designate. If, upon due consideration of the matter, the Court concludes that the attorney is incapacitated from continuing to practice law, it shall enter an order suspending him or her on the ground of such disability for an indefinite period and until further order of the Court.

(h) Resignation.

Any attorney may resign from the bar of this Court by submitting a resignation, in writing, properly witnessed and acknowledged to be the attorney’s free act and deed, to the Clerk of this Court, which shall be effective upon filing. However, such resignation shall not affect any disciplinary proceedings pursuant to this Rule 3, unless the attorney’s resignation certifies that the attorney waives the

privilege of applying for readmission to the bar at any future time, in which case disciplinary proceedings shall be terminated.

(i) Reinstatement.

1. An attorney suspended for a fixed period of time shall be automatically reinstated at the end of the period of suspension upon the filing with the Court of an affidavit of compliance with the provisions of the suspension order.

2. Petitions for reinstatement by a disbarred or suspended attorney whose period of suspension has not expired shall be filed with the Clerk. Upon the filing of the petition, the Chief Judge shall promptly refer the petition to counsel for the Grievance Committee, who shall give notice by newspaper publication of such petition and such individual notice, including notice to the complainant, as the Chief Judge shall order. The Chief Judge shall assign the matter for prompt hearing before one or more Judges of this Court; provided, however, that if the disciplinary proceeding concerned conduct of an attorney witnessed by a Judge of this Court, the hearing shall be conducted before a panel of three other Judges of this Court appointed by the Chief Judge. If there are fewer than three Judges eligible to serve, the chief Judge shall make arrangements for the appointment of Judges from outside the District. If the Chief Judge was the complainant, the panel shall be appointed by the most senior active Judge who is eligible to serve. The Judge or Judges assigned to the matter shall, within thirty (30) days after referral, schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that he or she has the moral qualifications, competency and learning in the law required for admission to practice law before this Court and that his or her resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or injurious to the public interest.

3. In all proceedings upon a petition for reinstatement, cross-examination of the witnesses of the petitioner attorney and the submission of evidence, if any, in opposition to the petition shall be conducted by counsel for the Grievance Committee.

4. If the petitioner is found unfit to resume the practice of law, the petition shall be denied. If the petitioner is found fit to resume the practice of law, the judgment shall reinstate him or her, provided that the judgment may make reinstatement conditional upon (1) the payment of all or part of the costs of the proceedings, (2) the making of partial or complete restitution to parties harmed by the conduct of the petitioner which led to the suspension or disbarment, or (3) the furnishing of proof of competency and learning in the law if the petitioner has been suspended or disbarred for five years or more, which proof may include certification by the bar examiners of a state or other jurisdiction of the attorney’s successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment.

5. Absent exceptional circumstances, no petition for reinstatement under this Rule 3(i) shall be filed within one year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

RULE 4

DEFINITIONS

As used herein, “Judge” shall mean a District Judge of this Court or a visiting Circuit or District Judge assigned to duties in this Court or a Magistrate Judge of this Court performing duties authorized by the District Judges of this Court. As used herein “Clerk” shall mean the Clerk of the Court or his or her deputies and assistants authorized by him or her to perform the function specified therein.

RULE 5

CIVIL PROCESS

(a) Issue and Service.

All civil process, including writs of summons, shall be prepared by the party who seeks such process, and, on the application of a party to the Clerk, shall issue out of the Court under its seal.

(b) Service Copies.

Each party filing a new complaint, third-party complaint or amended complaint, shall file sufficient copies of the complaint to supply one (original impression) for the Court, one for each private party to be served, and five (5) for the United States or an officer or agency thereof, if a party. The Clerk shall sign and seal the appropriate form of the summons to accompany the service copies of the complaint.

(c) Attachments and Pre-Judgment Remedies.

In addition to remedies otherwise provided by federal law, a party may secure a prejudgment remedy, as permitted by, and in accordance with, the law of the State of Connecticut. The complaint shall be signed and filed with the Clerk. A date for the hearing shall be fixed by the Court. Upon written request to the Clerk, public inspection and service of the complaint will be withheld until the order for the hearing has been signed. A release or reduction of attachment shall be issued by the Clerk (1) by request of the attaching party; (2) by stipulation of the attaching party and the person whose property is attached; or (3) by order of the Court. It shall be the duty of counsel in all cases to comply with the requirements of the General Statutes of Connecticut regarding filing certificates of discharge of attachments and *lis pendens*. In appropriate cases, upon request, the Clerk may issue such certificates in the form prescribed by the General Statutes of Connecticut.

RULE 6

PREPARATION OF PLEADINGS

All pleadings must be prepared in conformity with the Federal Rules of Civil Procedure. Each such pleading shall be punched with two holes, 2-3/4" apart, each centered 7/16" from the upper edge, one being 2-7/8" from the left edge and the other being 2-7/8" from the right edge, each being 1/4" in diameter. Pleadings shall be double-spaced, on 8-1/2" by 11" paper with a left margin of at least 1" free from all typewritten or printed material, shall have page numbers in the bottom margin of each page after page 1, and shall have legibly typed, printed or stamped directly beneath the signature the name of the counsel or party who executed such document the office address, telephone number, fax number and e-mail address, if available. The federal bar number assigned to counsel should appear beneath his/her signature. The complete docket number, including the initials of the Judge to whom the case has been assigned, shall be typed on each pleading. The date each pleading shall be included in the case caption.

(Amended July 28, 2000, effective September 1, 2000)

RULE 7

FILING AND SERVICE OF PLEADINGS AND OTHER PAPERS

(a) Complaint.

1. The complaint may be filed with the Clerk at Bridgeport, Hartford, or New Haven. All other papers shall be filed at the seat of Court where the docket is maintained for the case involved.

2. All civil complaints submitted to the Clerk for filing shall be accompanied by a summons and a Civil Cover Sheet, Form JS 44a or JS 44c. Complaints not accompanied by a summons and these forms may be rejected for filing by the Clerk. Upon request the Clerk's office will furnish these forms. Persons filing civil complaints who are in custody at the time of filing, and persons filing *pro se*, are exempted from the requirements of this paragraph. A Civil Cover Sheet indicating that a jury trial is desired shall not suffice as a demand for jury trial.

(b) Appearance.

Counsel entering a case after the filing of the complaint, whether on behalf of the plaintiff or the defendant, shall file with the Clerk and serve on all parties or their counsel a notice of appearance. The appearance shall include counsel's name, address, zip code, federal bar number and telephone number, fax number and e-mail address, if available.

(Amended July 28, 2000, effective September 1, 2000)

(c) Three-Judge Court.

In three-judge court cases, the Clerk shall not accept any complaints, petitions, pleadings, briefs or other papers unless the original is accompanied by three copies thereof for the use of the Court. Counsel filing such papers, after service of process has been effected, shall serve one copy thereof on each other party.

(d) United States a Party.

In cases in which the United States is a party, three (3) copies of each pleading or other paper filed shall be served upon the United States Attorney or his or her designee in addition to the copies of the summons and complaint required by Rules 4(d)(4) and 4(d)(5), Fed. R. Civ. P.

(e) Proof of Service.

Proof of service may be made by written acknowledgment of service by the party served, by a certificate of counsel for the party filing the pleading or papers, by a certificate of the *pro se* party filing the pleading or papers, or by affidavit of the person making the service. Where proof of service is made by certificate or by affidavit, the certificate or affidavit shall list the name and address of each person served.

(f) Sealed Documents.

1. Counsel seeking to file a document under seal, shall file a motion to seal and shall attach to the motion the document to be sealed. The document shall be submitted in an unsealed envelope, bearing the caption of the case, the case number, and the caption of the document to be sealed. The Clerk of the Court shall file-stamp the motion to seal and the document to be sealed, shall docket the motion and document and shall forward the motion to seal and the document to be sealed to the Court for consideration. If ordered sealed by the Court, the Clerk shall seal the document in the envelope provided by counsel, shall note the date of the sealing order on the envelope and docket sheet. Until such document is ordered sealed, the document shall be treated as public document subject to public inspection. In the alternative, counsel can seek advance permission of the Court to file a document under seal without submitting the document to be sealed.

2. Counsel filing documents which are, or may be claimed to be, subject to any protective or impounding order previously entered shall file with the documents, and serve on all parties, a notice that the documents are, or are claimed to be, subject to such order or orders, identifying the particular order or orders by date, and shall submit such documents to the Clerk under *seal*.

3. Any file or document ordered sealed by the Court upon motion of the parties, by stipulation or by the Court, *sua sponte*, shall remain sealed pending further order of this Court, or any Court sitting in review. Upon final determination of the action, as defined in Rule 14 of the Local Rules of Civil Procedure, counsel shall have ninety (90) days to file a motion pursuant to Rule 14 for the return of the sealed documents. Any sealed document thereafter remaining may be destroyed by the Clerk pursuant to Rule 14 or retired by the Clerk with other parts of the file to the Federal Records Center, whereupon they shall be automatically unsealed without notice to counsel.

(g) Filing of Discovery Material.

1. Pursuant to Fed. R. Civ. P. 5(d), expert witness reports, computations of damages, depositions, notices of depositions, interrogatories, requests for documents, requests for admissions, and answers and responses shall not be filed with the Clerk’s office except by order of the Court.

2. A party seeking relief under any of the Federal Rules of Civil Procedure shall file only that portion of the deposition, interrogatory, request[s] for documents or request[s] for admissions that is the subject of the dispute.

3. When discovery material not on file is needed for consideration of a motion or for an appeal, upon application to or order of the Court or by stipulation of counsel, the necessary portion of discovery material shall be filed with the Clerk.

(h) Service by Facsimile Copy.

Copies of pleadings may be served on counsel through use of a facsimile machine, provided that service of a typewritten copy of the identical pleading is made simultaneously by regular mail. Copies of pleadings may not be filed with the Clerk’s Office through the use of a facsimile machine or other electronic means.

RULE 8

SECURITY FOR COSTS

(a) Security for Costs.

Any time after the commencement of an action, the defendants, or the plaintiffs on the filing of a counterclaim, are entitled on request to the Clerk to an order to be entered by the Clerk, as of course, for a cash deposit or bond with recognized corporate surety in the sum of $500.00 as security for costs to be given within thirty days from the entry of such order. Parties who are jointly represented by the same counsel will be deemed to be one party for purposes of this $500.00 limitation. Additional, substituted, or reduced security, or a justification of financial responsibility by any surety, may be ordered by the Court at any time during the pendency of the action for good cause found by the Court. Noncompliance with an order entered hereunder may be grounds for summary dismissal or default upon application by a party and notice to the noncomplying party.

(b) Modification and Waiver.

Upon good cause shown, the Court may modify or waive the requirements of this Rule.

RULE 9

MOTION PRACTICE

(a) Procedures.

1. Any motion involving disputed issues of law shall be accompanied by a written memorandum of law and shall indicate in the lower margin of the motion whether oral argument is requested. Failure to submit a memorandum may be deemed sufficient cause to deny the motion. Unless otherwise ordered by the Court, all memoranda in opposition to any motion shall be filed within twenty-one (21) days of the filing of the motion, and shall indicate in the lower margin of the first page of such memorandum whether oral argument is requested. Failure to submit a memorandum in opposition to a motion may be deemed sufficient cause to grant the motion, except where the pleadings provide sufficient grounds to deny the motion. Nothing in this Rule shall require the Judge ruling on the motion to review portions of the record in response to a motion, where the moving papers do not make specific reference to such portions of the record. Notwithstanding that a request for oral argument has been made, the Judge may, in his or her discretion, deny such request. To expedite a decision or for other good cause, the Court may, on notice to all parties, rule on a motion before expiration of the twenty-one (21) day period ordinarily permitted for filing opposition papers.

2. Except by permission of the Court, briefs or memoranda shall not exceed forty (40) 8-1/2" by 11" pages of double spaced standard typographical print, exclusive of pages containing a table of contents, tables of statutes, rules or the like. The original of all motions or briefs shall be filed with the Clerk at the seat of Court where the Judge sits.

(b) Motions for Extensions of Time.

1. Unless otherwise directed by a particular Judge with respect to cases on his or her docket, the Clerk is empowered to grant initial motions for extensions of time, not to exceed thirty (30) days, in civil cases with regard to the following time limitations:

(a) the date for filing an answer or motion addressed to the complaint, counterclaim or third party complaint; and

(b) the date for serving responses to discovery requests.

2. All other motions for extensions of time must be decided by a Judge and will not be granted except for good cause. The good cause standard requires a particularized showing that the time limitation in question cannot reasonably be met despite the diligence of the party seeking the extension.

3. All motions for extensions of time, whether for consideration by the Clerk or a Judge, shall include a statement of the moving counsel that (1) he or she has inquired of opposing counsel and there is agreement or objection to the motion, or that (2) despite diligent effort, he or she cannot ascertain opposing counsel’s position. All such motions shall also indicate the number of motions for extension of time that have been filed by the moving party with respect to the

same limitation. The motion may be granted ex parte notwithstanding a report of objection by opposing counsel. Opposing counsel may move within five (5) days of an order granting a motion for extension of time to have the Court set aside the order for good cause. Agreement of counsel as to any extension of time does not of itself extend any time limitation or provide good cause for failing to comply with a deadline established by the Federal Rules of Civil Procedure, these local rules or the Court.

(c) Motions for Summary Judgment.

1. There shall be annexed to a motion for summary judgment a document entitled "Local Rule 9(c)1 Statement," which sets forth in separately numbered paragraphs a concise statement of each material fact as to which the moving party contends there is no genuine issue to be tried. All material facts set forth in said statement will be deemed admitted unless controverted by the statement required to be served by the opposing party in accordance with Rule 9(c)2.

2. The papers opposing a motion for summary judgment shall include a document entitled "Local Rule 9(c)2 Statement," which states in separately numbered paragraphs corresponding to the paragraphs contained in the moving party's Local Rule 9(c)1 Statement whether each of the facts asserted by the moving party is admitted or denied. The Local Rule 9(c)2 Statement must also include in a separate section a list of each issue of material fact as to which it is contended there is a genuine issue to be tried.

3. The statements referred to above shall be in addition to the material required by these Local Rules and the Federal Rules of Civil Procedure.

(**d) Discovery Disputes.**

1. *Privilege Log.* In accordance with F. R. Civ. P. 26(b), when a claim of privilege or work product protection is asserted in response to a discovery request for documents, the party asserting the privilege or protection shall provide the following information in the form of a privilege log:

(1) The type of document;

(2) The general subject matter of the document;

(3) The date of the document;

(4) The author of the document; and

(5) Each recipient of the document.

This rule shall apply only to document requests.

If the information called for by one or more of the foregoing categories is itself privileged, it need not be disclosed. However, the existence of the document and any non-privileged information called for by the other categories must be disclosed.

This rule requires preparation of a privilege log with respect to all documents withheld on the basis of a claim of privilege or work

product protection except the following: written communications between a party and its trial counsel after commencement of the action and the work product material created after commencement of the action.

2. No motion pursuant to Rules 26 through 37, Fed. R. Civ. P., shall be filed unless counsel making the motion has conferred with opposing counsel and discussed the discovery issues between them in detail in a good faith effort to eliminate or reduce the area of controversy, and to arrive at a mutually satisfactory resolution. In the event the consultations of counsel do not fully resolve the discovery issues, counsel making a discovery motion shall file with the Court, as a part of the motion papers, an affidavit certifying that he or she has conferred with counsel for the opposing party in an effort in good faith to resolve by agreement the issues raised by the motion without the intervention of the Court, and has been unable to reach such an agreement. If some of the issues raised by the motion have been resolved by agreement, the affidavit shall specify the issues so resolved and the issues remaining unresolved.

3. Memoranda by both sides shall be filed with the Clerk in accordance with Rule 9(a) of these Local Rules before any discovery motion is heard by the Court. Each memorandum shall contain a concise statement of the nature of the case and a specific verbatim listing of each of the items of discovery sought or opposed, and immediately following each specification shall set forth the reason why the item should be allowed or disallowed. Where several different items of discovery are in dispute, counsel shall, to the extent possible, group the items into categories in lieu of an individual listing of each item. Every memorandum shall include, as exhibits, copies of the discovery requests in dispute.

4. Where a party has sought or opposed discovery which has resulted in the filing of a motion, and that party’s position is not warranted under existing law and cannot be supported by good faith argument for extension, modification or reversal of existing law, sanctions will be imposed in accordance with applicable law. If a sanction consists of or includes a reasonable attorney’s fee, the amount of such attorney’s fee shall be calculated by using the normal hourly rate of the attorney for the party in whose favor a sanction is imposed, unless the party against whom a sanction is imposed can demonstrate that such amount is unreasonable in light of all the circumstances.

5. Unless a different time is set by the Court, compliance with discovery ordered by the Court shall be made within ten (10) days of the filing of the Court’s order.

(e) Motions for Reconsideration.

1. Motions for Reconsideration shall be filed and served within ten (10) days of the filing of the decision or order from which such relief is sought, and shall be accompanied by a memorandum setting

forth concisely the matters or controlling decisions which counsel believes the Court overlooked in the initial decision or order.

2. In all other respects, Motions for Reconsideration shall proceed in accordance with Rule 9(a) of these Local Rules.

(f) Motions for Attorneys' Fees and/or Sanctions.

Motions for attorneys' fees or sanctions shall be filed with the Clerk and served on opposing parties within thirty (30) days of the entry of judgment. Any motions not complying with this rule shall be denied.

(g) Reply Briefs.

Reply briefs are not required and the absence of a reply brief will not prejudice the moving party. Any reply brief must be filed within ten (10) days of the filing of the responsive brief to which reply is being made, as computed under Fed. R. Civ. P. 6. A reply brief may not exceed ten (10) pages, must be strictly confined to a discussion of matters raised by the responsive brief and must contain references to the pages of the responsive brief to which reply is being made.

RULE 10

ASSIGNMENTS

(a) Place of Assignment of Case.

The place of assignment of a case will be determined by the Court in accordance with a general policy on assignments adopted from time to time by the active Judges of the Court in the interest of the effective administration of justice.

(b) Individual Calendar System.

1. All cases will be assigned to a single Judge from filing to termination. In the event that it is subsequently determined that there is pending in this District a related case, or, if one is later filed, such case should normally be assigned to the Judge having the earliest filed case. A case may be reassigned at the discretion of the Chief Judge.

2. Personnel of the Clerk's office shall not reveal to any person other than a Judge or the Clerk of this Court the order of assignment of cases or the identity of the Judge to be assigned a particular case, until after the case is filed and assigned.

3. All cases transferred to this Court as multidistrict litigation, pursuant to the provisions of 28 U.S.C. § 1407, shall be assigned to a designated Judge.

(c) Docket Numbers.

Upon the filing of a complaint, a case will be assigned a docket number, consisting of the following:

1. the prefix 3;

2. the last two digits of the year of filing;

3. a designation of "CV" for civil cases and "CR" for criminal cases;

4. the number of the case (with the first case of each calendar year designated as 00001); and

5. the initials of the Judge to whom the case has been assigned.

(**d) Consolidation of Cases.**

Unless the presiding Judge rules otherwise, where two or more cases are consolidated, whether for trial or pretrial purposes, the Clerk shall maintain a separate docket for each case, but the parties shall file all pleadings and other papers in the master docket, which shall be the docket of the earliest filed case, and copies of all pleadings shall be served on all parties in each of the consolidated cases.

RULE 11

PRETRIAL CONFERENCES AND SCHEDULING ORDERS

(a) Status Conferences.

1. Pursuant to Fed. R. Civ. P. 16 and 26(f) and Local Rule 28, one or more status conferences may be scheduled before a Judge or a parajudicial officer or special master designated by the presiding Judge. Status conferences may be held in person or by telephone.

(b) Scheduling Orders.

Within ninety (90) days after the appearance of any defendant, the Court, after considering the parties' proposed case management plan under Fed. R. Civ. P. 26(f) and Local Rule 38, shall enter a scheduling order that limits the time:

(1) to join other parties and to amend the pleadings;

(2) to complete discovery;

(3) to file dispositive motions; and

(4) to file a joint trial memorandum.

The scheduling order will include a date by which the case will be deemed ready for trial and may also include dates for further status conferences, settlement conferences and other matters appropriate in the circumstances of the particular case. The schedule established by the Court for completing discovery, filing dispositive motions and filing a joint trial memorandum shall not be modified except by further order of the Court on a showing of good cause. The good cause standard requires a particularized showing that the schedule cannot reasonably be met, despite the diligence of the party seeking the modification, for reasons that were not reasonably foreseeable when the parties submitted their proposed case management plan. The trial ready date will not be postponed at the request of a party except to prevent manifest injustice.

This Rule does not require the entry of such a tailored scheduling order in the following categories of cases: *pro se* prisoner cases; habeas corpus proceedings; appeals from decisions of administrative agencies, including social security disability appeals; recovery of defaulted student loans; recovery of overpayment of veterans' benefits; forfeiture actions; petitions to quash Internal Revenue Service summons; appeals from Bankruptcy Court orders; proceedings to compel arbitration or to confirm or set aside arbitration awards; and Freedom of Information Act cases.

(c) Settlement Conferences.

1. In accordance with Fed. R. Civ. P. 16, one or more conferences may be held for the purpose of discussing possibilities for settlement of the case. A mandatory settlement conference will be held at or

shortly after the close of discovery. Counsel have a duty to discuss the possibility of settlement during the planning conference required by Fed. R. Civ. P. 26(f) and Local Rule 38 and may request that an early settlement conference be conducted before the parties undertake significant discovery or motion practice.

2. In a case that will be tried to a jury, such conferences shall be held with the presiding Judge, a Magistrate Judge, or a parajudicial officer or special master designated by the presiding Judge. In a case that will be tried to the Court, such conferences shall be held with a Judge other than the one to whom the case has been assigned, a Magistrate Judge, or a parajudicial officer or special master designated by the presiding Judge.

3. Counsel shall attend any settlement conference fully authorized to make a final demand or offer. Counsel on both sides must be authorized to act promptly on any proposed settlement. The judicial officer, parajudicial officer, or special master before whom a settlement conference is to be held may require that counsel be accompanied by the person or persons authorized and competent to accept or reject any settlement proposal.

(d) Pretrial Order.

The Court may make an order reciting the action taken at any status or settlement conference and any amendments allowed to the pleadings, any agreements, concessions or admissions made by any party, and limiting the issues for trial to those not thereby disposed of. A pretrial order may be prepared by the Court and sent to counsel for each party subsequent to the conference, or the Court may require counsel for one of the parties to prepare a proposed written order for consideration and entry by the Court. The order shall become part of the record and shall be binding on the parties, unless modified by the Court at or before the trial so as to prevent manifest injustice.

(e) Trial Briefs.

The Court may require the parties or any of them within such time as it directs to serve and file a trial brief as to any doubtful points of law which may arise at the trial.

(f) Failure of Compliance.

For failure to appear at a conference or to participate therein, or for failure to comply with the terms of this Rule 11 or any orders issued pursuant to this Rule 11, the Court in its discretion may impose such sanctions as are authorized by law, including without limitation an order that the case be placed at the bottom of the trial list, an order with respect to the imposition on the party or, where appropriate, on counsel personally, of costs and counsel fees, or such other order with respect to the continued prosecution or defense of the action as is just and proper.

RULE 12

CONDUCT OF JURY TRIALS

(a) Number of Jurors.

The jury shall consist of not less than six (6) members and not more than twelve (12) members and all jurors shall participate in the verdict unless excused from service by the Court.

(b) Examination of Jurors.

When impaneling a jury for a particular case, the Judge will ordinarily examine the jurors by interrogatories to the panel or to individual jurors. Prior to the examination counsel shall file proposed written interrogatories for submission either to the panel or to individual jurors. At the close of such examination, counsel may request an opportunity to show need for further examination.

(c) Peremptory Challenges.

Unless otherwise ordered by the presiding Judge, counsel shall exercise their peremptory challenges out of the hearing of the jury. (For number of challenges allowed, see 28 U.S.C. §1870 and Rule 47(b), Fed. R. Civ. P.).

(d) Opening Statements.

Opening statements by counsel in jury trials are not allowed, except on application made to the presiding Judge out of the hearing of the jury.

(e) Secrecy of Jury Deliberations.

1. No party, and no attorney, employee, representative or agent of any party or attorney shall contact, communicate with or interview any grand or petit juror, or any relative, friend or associate of any grand or petit juror concerning the deliberations or verdict of the jury or of any individual juror in any action before, during or after trial, except upon leave of Court, which shall be granted only upon the showing of good cause. No juror shall respond to any inquiry as to the deliberations or vote of the jury or of any other individual juror, except on leave of Court which shall be granted only upon the showing of good cause. No person may make repeated requests for interviews of a juror after the juror has expressed a desire not to be interviewed. This Rule contemplates that the Court shall have continuing supervision over communications with jurors, even after a trial has been completed. A violation of this Rule may be treated as a contempt of Court, and may be punished accordingly.

2. The Clerk shall not provide information concerning the petit or grand jurors to any person, other than a judicial officer, except that the Clerk shall make available petit juror questionnaires to counsel or *pro se* parties participating in jury selection. Applications for exceptions to this Rule 12(e)2 shall be made in writing to the presiding judge and shall set forth the information sought and the reason for the request.

(Amended September 22, 2000, effective October 1, 2000)

(f) Designation of Bankruptcy Judges to Conduct Jury Trials.

The United States District Court for the District of Connecticut hereby specially designates the bankruptcy judges of this district to conduct jury trials pursuant to 28 U.S.C. 157(e).

RULE 13

DEPOSITIONS

(a) Attendance.

Depositions on oral examination or on written interrogatories are deemed to constitute private proceedings which the public is not entitled to attend. Any person other than the witness being deposed, the parties to the action, the parent of a minor deponent, counsel for the witness or any party, or *any person who has been disclosed by any party as an expert witness in the case* shall, at the request of counsel for any party, or the witness, be excluded from the hearing room while the deposition of any person is being taken. Application for an exception to this rule may be made to the presiding Judge.

(b) Depositions.

Transcripts of depositions and exhibits marked for identification at the depositions shall not be filed with the Clerk, unless the parties are unable to agree as to who shall retain custody of the transcripts and exhibits. If filed with the Clerk, transcripts of all pre-trial depositions in the case and any exhibits marked upon the taking of any deposition shall be withheld from public inspection by the Clerk, but shall be available to any party for any proper use in the case.

(c) Transcripts and Copies of Taped Depositions.

Where a deposition has been taken, any party is entitled to a copy of the recording made of the testimony, whether that recording is done through stenographic, audiotape or videotape means. Each party shall bear the expense of his or her own copy of the recording of the deposition testimony.

(d) Limitation on Depositions.

Pursuant to Rule 26(b)(2) of the Federal Rules of Civil Procedure, the limitation on the number of depositions as specified in Rules 30 and 31 of the Federal Rules of Civil Procedure shall not be applicable in the District of Connecticut.

RULE 14

REMOVAL OF PAPERS AND EXHIBITS

(a) Withdrawal of Pleadings, Papers and Exhibits.

After being filed in Court, pleadings or other papers may be withdrawn only upon order of the Court. Exhibits received in evidence may be withdrawn by stipulation of the parties or by order of the Court.

(b) Pre-marked Exhibits and Exhibit Lists.

Prior to the commencement of trial, counsel or *pro se* parties shall pre-mark all exhibits to be offered at hearing or trial. Counsel or *pro se* shall prepare and submit to the courtroom deputy and the Judge a list of their exhibits, as pre-marked.

(c) Custody of Exhibits After Trial.

Except in proceedings before a special master, and unless the Court otherwise directs, exhibits shall not be filed with the clerk, but shall be retained in the custody of counsel or *pro se* parties who produce them in court. Counsel or *pro se* parties shall retain these exhibits until final determination of the action, including the date when the mandate of the final reviewing court has been filed or until the time for appeal has expired.

(d) Exhibits on Appeal.

In the case of an appeal or other review by an appellate court, the parties are encouraged to agree with respect to a designation of exhibits to be included in the record on appeal. In the absence of such an agreement, a party, upon the request of any other party, shall make the original exhibits available to the requesting party, or furnish copies, as may be necessary to enable the requesting party to designate or prepare the record on appeal. All exhibits designated as part of the record on appeal, except large or bulky exhibits, shall be filed with the Clerk, who shall transmit them with the record on appeal to the Clerk of the Court of Appeals. Exhibits not so designated shall remain in the custody of the respective attorneys or *pro se* parties who shall have the responsibility of forwarding same to the Clerk of the Court of Appeals upon request. Large or bulky exhibits designated as part of the record on appeal shall remain in the custody of counsel or the *pro se* party producing them and shall be responsible for their transportation to the appellate court.

(e) Disposition of Exhibits in the Custody of the Clerk.

The offering party shall make arrangements for the return of those exhibits remaining with the Clerk within ninety (90) days after final

determination of the action. Exhibits not claimed may be destroyed by the Clerk, without notice.

RULE 15

WITHDRAWAL OF APPEARANCES

Withdrawal of appearances may be accomplished only by leave of Court on motion duly noticed, and normally shall not be granted except upon a showing that other counsel has appeared or that the party has elected to proceed *pro se*, and that the party whose counsel seeks to withdraw has received actual notice by personal service or by certified mail of the motion to withdraw. In cases where the party has failed to engage other counsel or file a *pro se* appearance, where good cause exists for permitting the withdrawal by the appearing counsel, the Court may grant the motion to withdraw the appearance after notice to the party that failure to either engage successor counsel or file a *pro se* appearance will result in the granting of the motion to withdraw and may result in a dismissal or default being entered against the party.

RULE 16

DISMISSAL OF ACTIONS BY THE CLERK

(a) For Failure to Prosecute.

In civil actions in which no action has been taken by the parties for six (6) months or in which deadlines established by the Court pursuant to Rule 11 appear not to have been met, the Clerk shall give notice of proposed dismissal to counsel of record. If such notice has been given and no action has been taken in the action in the meantime and no satisfactory explanation is submitted to the Court within twenty (20) days thereafter, the Clerk shall enter an order of dismissal. Any such order entered by the Clerk under this Rule may be suspended, altered, or rescinded by the Court for cause shown.

(b) When Reported Settled to the Court.

When counsel of record report to the Court that a civil action pending on its docket has been settled between the parties and no closing papers are filed within thirty (30) days thereafter, the Clerk shall enter an order of dismissal. Said dismissal shall be without costs and without prejudice to the right of any of the parties thereto to move within thirty (30) days thereafter to reopen if settlement has not, in fact, been consummated.

RULE 17

TAXATION OF COSTS

(a) Procedure for Taxing Costs.

1. Any party who seeks costs in the District Court shall, within ten (10) days after the District Court judgment becomes final due to the expiration of the appeal period, as defined by Fed. R. App. P. Rule 4, or within ten (10) days after the issuance of a mandate by a federal appellate Court, file with the Clerk and serve on all other parties a verified bill of costs pursuant to 28 U.S.C. §§1821, 1920, 1923 and 1924, setting forth each item of costs that is claimed.

2. The Clerk shall enter an order allowing costs to the prevailing party unless the Court otherwise directs. No costs shall be allowed to any party if the Court is unable to identify the prevailing party.

3. In cases where an Offer of Judgment for a sum certain is made, and a Notice of Filing has been docketed as proof of the offer, and the offer is not accepted and thereafter the matter goes to trial with the resulting recovery being less than the offer, the party who made the offer of judgment shall be considered the prevailing party for purposes of taxing costs and shall be paid the costs incurred after the making of the offer.

(b) Objections to the Bill of Costs.

Any objections to the bill of costs shall be filed with the Clerk within ten (10) days of the filing of the bill of costs and shall specify each item to which there is an objection and the reasons for such objection. The Clerk shall rule on any objection to the bill of costs. In the absence of a timely objection, the Clerk shall award costs in accordance with the provisions of this Local Rule.

(c) Items Taxable as Costs.

1. Fees of the Clerk and Marshal:

Fees of the Clerk and Marshal are taxable as costs and include the filing fees of the complaint, habeas corpus petitions, appeals and fees for the issuance of deposition subpoenas by another District. Service fees for summonses and initial process, subpoenas for non-party witnesses testifying at trial, subpoenas for depositions and the cost of mailing if service is executed by mail pursuant to Rule 4(c)(2)(c) of the Federal Rules of Civil Procedure, are also recoverable as costs. All claims for service fees by private process servers shall be supported by documentation attached as an exhibit to the Bill of Costs.

2. Fees of the Court Reporter:

(i) The cost of the original and one copy of the trial transcript, transcripts of pre-trial proceedings, and the cost of postage required for the

Court reporter to file the transcripts with the Court, are taxable if authorized in advance by the Court or are necessarily obtained for use in the case.

(ii) The cost of an original and one copy of deposition transcripts are recoverable as costs, if used at trial in lieu of live testimony, for cross-examination or impeachment, if used in support of a successful motion for summary judgment, or if they are necessarily obtained for the preparation of the case and not for the convenience of counsel. Appearance fees of the Court reporter and the notary or other official presiding at the deposition, are taxable as costs, including travel, subsistence and postage for filing if the transcripts are required to be filed with the Court. Fees for non-party deponents, including mileage and subsistence, are taxable at the same rate as for attendance at trial, where the deposition is a taxable cost under this subsection. A reasonable fee for the necessary use of an interpreter is also taxable.

3. Fees for Exemplification and Copies of Papers Necessarily Obtained for Use in the Case:

(i) Costs for exemplifications or copies of papers are taxable only if counsel can demonstrate that such exemplifications or copies were necessarily obtained for use in the case. Costs for one copy of documents admitted into evidence in lieu of the originals, shall be permitted as costs. Copies for the convenience of counsel or additional copies are not taxable unless otherwise directed by the Court. The fee of a translator is taxable if the copy itself is a taxable cost.

(ii) The cost of patent file wrappers and prior art patents are taxable at the rate charged by the patent office. However, expenses for services of persons checking patent office records to determine what should be ordered are not recoverable.

(iii) Copies of pleadings are not allowed as costs. However, the cost of exhibits appended to a successful motion for summary judgment are allowable.

4. Fees for Witnesses:

(i) Witness fees are taxable when the witness has actually testified or was necessarily in attendance at trial and whether or not the witness voluntarily attended or was present under subpoena. Witness fees for attendance at a deposition are recoverable if the deposition is a taxable cost. Witness fees for officers of a corporation are taxable provided that such witnesses are not named parties to the action. Fees for expert witnesses are taxable at the same rates as any other witness. Any amounts in excess of the statutory limits are not taxable. Fees for a competent interpreter are taxable if the fees of the witness involved are taxable.

(ii) Fees for subsistence are taxable if the distance from the Court to the residence of the witness is such that mileage fees would be greater than subsistence fees if the witness were to return to the residence every day. Additional claims for subsistence when the witness has testified and remains in attendance for the convenience of counsel shall not be taxable.

(iii) Mileage shall be taxable at the statutory rate. The “100-mile” rule which limits the total taxable mileage of a witness to 200 miles round trip, will not be applied where it has been demonstrated that the witness’ testimony was relevant and material and had a bearing on essential issues of the case. Fees of common carriers are also taxable at coach fare rates. Receipts for common carrier expenses shall be appended to the Bill of Costs. Miscellaneous toll charges, parking fees, taxicab fares between places of lodging and carrier terminals, are also taxable.

5. Maps, Charts, Models, Photographs, Summaries, Computations and Statistical Summaries:

The cost of maps and charts are taxable as costs only if admitted into evidence and only if they are not greater than 8 1/2" x 11" in size. Costs for enlargements greater than 8 1/2" x 11" or for models, are not taxable unless by order of the Court. Compilations of summaries, computations and statistical comparisons are also not taxable unless by order of the Court.

6. Other items Taxable as Costs are as Follows:

(i) Fees to masters, receivers and commissioners, unless otherwise ordered by the Court;

(ii) Premiums paid upon all bonds provided pursuant to statute, rule of Court, order of Court, or stipulation of parties, including bonds in lieu of or in release of attachment, may be taxed as costs to the prevailing party, subject to disallowance entirely or in part by the Court in its discretion;

(iii) Fees incurred in removing a case from state Court, including the fees for service of process in the state Court and fees for witnesses attending depositions prior to removal.

7. Items Not Taxable at Costs:

In addition to any limitations addressed in the preceding sections, the following items are not recoverable as costs, unless by order of the Court:

(i) Filing fees for cases initiated by the United States;

(ii) Service of process fees for discovery subpoenas;

(iii) Copies of trial transcripts in excess of an original plus one copy;

(iv) Costs of an expedited or daily copy transcript produced for the convenience of counsel;

(v) Counsel’s fees and expenses in arranging for and traveling to a deposition or trial;

(vi) Fees of any named party to the action;

(vii) Compensation for an expert witness in excess of the statutorily allowed limits;

(viii) Subsistence fees for witnesses in attendance at trial or deposition, beyond the time of testimony by the witness;

(ix) Attorneys' fees incurred in attending depositions, conferences or trial, including expenses for investigations;

(x) Word processing or typing charges;

(xi) Computerized legal research fees;

(xii) Paralegal expenses;

(xiii) Pre-judgment and post-judgment interest;

(xiv) Costs for maps, charts and photographs greater than 8 1/2" X 11" in size, as well as the cost for producing models;

(xv) Copies of pleadings retained by counsel or served on opposing counsel;

(xvi) Telephone calls by counsel, general postage expense of counsel, Federal Express or other express mail service costs.

(d) Review of the Clerk's Ruling.

Any party may, within five (5) days of the entry of the Clerk's ruling, apply to the Judge before whom the case was assigned for review of the Clerk's ruling on the bill of costs. Such application shall specify which portions of the Clerk's ruling are the subject of the objection and shall specify the reasons therefor. Any other party may respond to such objection within five (5) days of the filing of such objection.

RULE 18

TRANSFER OF CASES TO ANOTHER DISTRICT OR UPON REMAND TO A STATE COURT

In a case ordered transferred to another District Court or remanded to the appropriate State Court, the Clerk shall mail, on the eleventh day following the order of transfer or remand: (1)a certified copy of the Court's opinion directing such action, and its order thereon, and of the docket entries, and (2)the original of all pleadings and other papers on file in the case, provided that no timely motion for reconsideration of the order of remand has been filed pursuant to Local Civil Rule 9(e). Where a timely motion for reconsideration has been filed, the Clerk shall delay mailing the file until the Court has ruled on the motion for reconsideration and will thereafter take such action as is consistent with the ruling on the motion for reconsideration.

RULE 19

ENTRY OF ORDERS AND JUDGMENTS

(a) By the Court.

1. A memorandum signed by the Judge or Magistrate of the decision of a motion that does not finally determine all claims for relief shall constitute the required order unless such memorandum directs the submission or settlement of an order in more extended form.

2. The notation in the appropriate docket of an "order," as defined in the previous paragraph, shall constitute the entry of the order.

3. Unless otherwise directed by the Court, proposed orders, judgments and decrees shall be presented to the Clerk's office, and not directly to the Judge. Unless the form of order, judgment, or decree is consented to in writing, or unless the Court otherwise directs, five (5) days' notice of settlement is required. Three (3) days' notice is required on all counter proposals. Unless adopted by the Court, such proposed orders, judgments or decrees shall not form any part of the record of the action.

(b) By the Clerk.

In addition to the other orders that the Clerk is authorized to sign and enter pursuant to the Federal Rules of Civil Procedure or these Local Rules, the Clerk is authorized to sign and enter the following orders and judgments without further direction of the Court:

1. Consent judgments for the payment of money; orders on consent dismissing actions, withdrawing stipulations, exonerating sureties and permitting visiting lawyers to appear; orders setting aside defaults entered under Fed. R. Civ. P. 55(a); and orders entered pursuant to Fed. R. Civ. P. 4.1(a) specially appointing persons to serve process other than a summons or subpoena.

2. Orders on consent for the substitution of attorneys in cases not assigned for trial.

3. Subject to the provisions of Fed. R. Civ. P. 54(b) and 58, judgments upon a general verdict of a jury, or upon a decision by the Court unless the Court otherwise directs. Every judgment shall be set forth on a separate document and shall become effective only when its substance is entered in the civil docket pursuant to Fed. R. Civ. P. 79(a).

RULE 20

ORDERS FOR EXTENSION OF FILING RECORD OF APPEAL

An extension of the forty (40) day period within which to transmit the record to the United States Court of Appeals, pursuant to Rule 11(d) of the Rules of Appellate Procedure, shall be granted only upon good cause shown and only if such request for extension is made within the time originally prescribed or within an extension previously granted. The District Court is without authority to extend the time to a day more than ninety (90) days from the date of filing the first notice of appeal. Each application for an extension of time under this Rule 20 must show the date on which the notice of appeal was filed and the date when the last extension, if any, will expire. If the application is based upon delay in obtaining the reporter's transcript, it shall state the date on which the transcript was ordered.

RULE 21

REPORTER'S FEES

An official Court reporter shall be entitled to compensation for transcript at rates which may be fixed from time to time by order of the District Judges. Said rates shall be entered in an Order of the Court and shall be available in the Clerk’s Office, along with any other Auxiliary Orders which are adopted pursuant to Local Civil Rule 32.

RULE 22

REMAND BY AN APPELLATE COURT

(a) Assignment to Judge.

Whenever an appellate court has remanded a matter to the District Court, and further proceedings not requiring the trial of an issue of fact are appropriate, an application with reference thereto, whether made upon the motion calendar or otherwise, shall be referred for such further proceedings to the Judge who heard the matter below unless the Chief Judge or the appellate court otherwise directs.

(b) Order or Judgment of Appellate Court.

Any order or judgment of an appellate court, when filed in the office of the Clerk of the District Court, shall automatically become the order or judgment of the District Court and shall be entered as such by the Clerk without further order, except that if such order or judgment of the appellate court requires further proceedings in the District Court other than a new trial, an order shall be entered making the order or judgment of the appellate court the order or judgment of the District Court.

RULE 23

NATURALIZATION SESSIONS OF COURT

The petitions of aliens to become citizens of the United States, shall be heard from time to time at the various seats of Court, as the Chief Judge shall direct.

RULE 24

LEGAL HOLIDAYS

For the purpose of Rules 6 and 77(c), Fed. R. Civ. P., and for all other purposes, the following are hereby designated Legal Holidays for the United States District Court for the District of Connecticut:

New Year's Day (January 1), Martin Luther King, Jr. Day (third Monday in January), Presidents' Day (third Monday in February), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Columbus Day (second Monday in October), Veterans' Day (November 11), Thanksgiving Day (fourth Thursday in November), Christmas Day (December 25); or whenever any such day falls on Sunday, the Monday next following such day; or whenever any such day falls on Saturday, the Friday preceding such day; and any other day appointed as a holiday by the President or the Congress of the United States, or by the Governor or General Assembly of the State of Connecticut.

When a particular holiday is celebrated on different days by the Federal government and the State of Connecticut, then the day designated by the Federal government, and not the day designated by the State of Connecticut, shall be observed as a holiday by the United States District Court for the District of Connecticut.

RULE 25

PETITIONS FOR WRITS OF *HABEAS CORPUS* AND MOTIONS PURSUANT TO TITLE 28, U.S. CODE, SECTION 2255

(a) Petitions Shall be Legible.

Petitions for writs of habeas corpus and motions filed pursuant to Title 28, U.S. Code Section 2255, shall be typewritten or in legible handwriting. Such petitions and motions shall be on forms approved by the Court and supplied by the Clerk.

(b) Statutory Fee.

When the petitioner or movant has sufficient funds, his or her petition or motion must be accompanied by the statutory fee.

(c) *In Forma Pauperis* Motion.

When a petition or motion is filed without payment of the statutory fee, the required *in forma pauperis* motion and affidavit must be completed and filed.

(d) Place of Filing; Number of Copies.

Petitions and motions filed pursuant to this Rule 25 shall be addressed to the Court and filed with the Clerk in New Haven. Two copies of each petition, motion or affidavit must be filed with the original.

(e) Statement of the Claim.

A petition or motion filed pursuant to this Rule 25 shall contain a short and plain statement of the claim made and the relief sought. A petition or motion not in compliance with this Rule 25 shall be subject to dismissal without prejudice by the Court on its own motion.

(f) Dismissal of Petition or Motion.

Whenever a petition or motion filed pursuant to this Rule 25 is dismissed as provided for in the foregoing paragraph, the Clerk shall return the petition or motion to the petitioner along with a brief statement of the defect giving rise to the dismissal.

RULE 26

LAW STUDENT INTERNSHIP RULES

(a) Appearance of Law Student Intern.

An eligible law student intern may, with the Court's approval, under supervision by a member of the bar, appear on behalf of any person who has consented in writing to the intern's appearance.

(b) Requirements of Supervising Attorney.

The attorney who supervises an intern shall:

1. be a member of the bar of the United States District Court for the District of Connecticut;

2. assume personal professional responsibility for the student's work;

3. assist the student to the extent necessary;

4. appear with the student in all proceedings before the Court unless the attorney's presence is waived by the Court;

5. indicate in writing his or her consent to supervise the intern under this Rule 26.

(c) Requirements of Law Student Intern.

In order to appear pursuant to this Rule 26, the law student intern shall:

1. be enrolled in good standing in a law school approved by the American Bar Association;

2. have completed legal studies amounting to at least two semesters of credit, or the equivalent if the school is on some basis other than a semester basis;

3. be introduced to the Court in which he or she is appearing by the supervising attorney;

4. not be employed or compensated by a client. This Rule 26 shall not prevent an attorney, legal aid bureau, law school, public defender, or other agency from compensating a law student intern.

(d) Privileges of Law Student Intern.

The law student intern, supervised in accordance with this Rule 26, may:

1. appear as counsel in Court or at other proceedings when the consents of the client and supervising attorney referred to in subdivisions (a) and (b) of this Rule 26 have been filed, and the Court has approved the intern's request to appear; and

2. prepare and sign motions, petitions, answers, briefs and other documents in connection with any matter in which the law student intern has met the conditions of subdivision (d)(1) of this Rule 26. Each such document must also be signed by the supervising attorney.

RULE 27

DISTRICT COURT LIBRARY

The United States District Court Library is established for use by Court personnel. The library is available to attorneys who are admitted to practice in the United States District Court only on the day they appear before the Court on trial, to argue motions, or to participate in chambers conferences, and only for emergency research.

RULE 28

SPECIAL MASTERS

(a) Creation of Panel of Special Masters.

The active Judges of the District may appoint from among the members of the bar of this Court a panel of special masters for each seat of Court for the purpose of settlement of cases or for any other proper purpose determined by the Judge to whom a particular case has been assigned.

(b) Appointment of a Master.

The parties to a civil action may stipulate in writing to, or the Judge to whom the case has been assigned may order, the appointment of a master to report upon particular issues in the case including the holding of status or settlement conferences pursuant to Rule 11(a) and (b) of these Local Rules. The Judge may appoint two masters where the purpose of the appointment is the holding of a settlement conference. The stipulation may suggest the master, in which case the Judge may appoint the person named. A master shall not be appointed to any particular case unless he or she consents to such appointment.

(c) Directives and Calendars of Special Masters.

The Clerk's office shall issue calendars for hearings or conferences at the direction of the master. Failure to comply with such calendars and other directives of the master shall subject the attorneys and parties to sanctions in accordance with Rule 11(e) and 31 of these Local Rules.

(d) May Sit Outside District.

A master may sit outside the District. Where he or she is requested to sit outside the District for the convenience of a party and there is opposition thereto by another party, the special master may make an order for the holding of the hearing, or a part thereof, outside the District, upon such terms and conditions as shall be just. Such order may be reviewed by the Court upon motion of any party, served within fifteen (15) days after notice to all parties of the making of the order.

(e) Filing of Report.

Upon the filing of his or her report the master shall furnish the Clerk with sufficient copies thereof addressed severally to the parties or their attorneys, to enable the Clerk to mail copies to them.

(f) Confirmation or Rejection of Master's Report.

Any party objecting to the report of a master shall serve and file an objection, including the reasons therefor, within fifteen (15) days of the filing of the master’s report. Opposing memoranda shall be served and filed within fifteen (15) days thereafter. The absence of a timely objection shall be sufficient grounds to confirm the master’s report.

(g) Compensation.

The compensation of masters shall be fixed by the Court in its discretion, including his or her necessary disbursements, unless all interested parties consent to a rate of compensation or the master consents to serve without compensation. Such compensation and disbursements shall be shared equally by the parties and taxed as costs, unless the Court directs otherwise.

RULE 29

CIVIL PRO BONO PANEL

(a) List of Attorneys.

1. The Clerk of the Court shall prepare a list of attorneys (Civil Pro Bono Panel) admitted to practice in this Court, to be grouped according to the seat of Court in which the attorney primarily practices. The attorneys so listed shall be eligible for appointment to represent parties in civil actions when such parties lack the resources, or are otherwise unable, to retain counsel.

2. The Clerk shall obtain from each attorney information to be used in assigning counsel from the Civil Pro Bono Panel. A form for this purpose shall be provided by the Clerk of the Court. This information may include, but need not be limited to: (1) the attorney's prior civil trial experience; (2) the attorney's ability to consult and advise in languages other than English; (3) the attorney's preference for appointment among various types of actions (*e.g.*, Social Security appeals, employment discrimination actions, civil rights actions), and (4) the attorney's preference for appointment to the various seats of Court.

3. Any attorney on the Civil Pro Bono Panel may seek to have his or her name stricken from the Panel, either temporarily or permanently. A Judge of this Court may so strike the name of any such attorney from the Panel, upon good cause shown. Reasons which may constitute good cause for the striking of an attorney's name shall include, but are not limited to, infirmity, retirement, practice limited to courts outside the District of Connecticut, lack of experience or expertise, and prior recent appointment(s) from the Civil Pro Bono Panel. If the attorney's name is stricken for a specified period of time, then said attorney's name shall be reinstated at the expiration of that period unless on a further application, a Judge of this Court has ordered to the contrary.

(**b) Appointment Procedure.**

1. The Clerk shall advise and assist any *pro se* litigant in filing an *in forma pauperis* affidavit where the party lacks the resources to retain counsel. Upon the filing of such an affidavit, or at such time as a *pro se* litigant shall inquire of the Clerk concerning representation and appear, despite reasonable efforts, to be unable to obtain counsel, the Clerk shall also inform the party of the opportunity to apply in writing for appointment of counsel from the Civil Pro Bono Panel.

2. A written application for appointed counsel by the *pro se* party should be made to the assigned Judge within ten (10) days after the party files an *in forma pauperis* affidavit.

3. Notwithstanding any past ineligibility for appointed counsel, a *pro se* litigant may apply for appointment of counsel any time circumstances reasonably appear to warrant such application.

4. The presiding Judge shall determine whether a Panel attorney is to be appointed to represent a *pro se* party as soon as practicable after an application is filed or when the ends of justice appear best served by such an appointment. The factors to be taken into account in making this determination are: (i) the nature and complexity of the action; (ii) the potential merit of the claims as set forth in the pleadings; (iii) the financial or other inability of the *pro se* party to retain counsel by other means; (iv) the degree to which the interests of justice will be served by appointment of counsel, including the benefit the Court may derive from the assistance of the appointed counsel; and (v) any other relevant factors. Failure of a *pro se* party to apply for appointment of counsel in writing shall not preclude appointment with the consent of the *pro se* party. Upon appointment of an attorney for reasons other than the party's financial inability to obtain counsel, the Clerk shall inform the party that the Court may order disclosure of the facts pertinent to the party's ability to pay an attorney's fee and may also order the payment of an attorney's fee commensurate with the services rendered and the party's financial circumstances.

5. Whenever the presiding Judge concludes that appointment of counsel is warranted, an order shall issue to the Clerk directing an appointment from the Civil Pro Bono Panel at the seat of Court where the action is pending to represent the *pro se* party. The Judge may direct the appointment of a specific attorney on the Panel.

6. When a petition by a *pro se* party for habeas corpus is involved, any appointment shall be from the Criminal Justice Act Panel of Attorneys.

7. On receipt of an appointment order the Clerk shall select an attorney from the Panel unless the order directs appointment of a specific attorney. Selection by the Clerk shall be made on a rotating basis from the lists of attorneys on the Panel, which shall be grouped according to the seat of Court and types of actions reflected as preferences, qualifications or specialties on the attorney's information forms.

8. Before assigning an attorney, the Clerk shall determine whether the litigant has any other case pending before the Court and whether an attorney has been appointed in such case. Where an appointed attorney is already representing the litigant in a prior action, such attorney is encouraged but not required to represent the litigant in the new action. The Clerk shall inquire of the appointed counsel whether he or she will accept the appointment in the new action. If the appointed counsel declines, the Clerk shall appoint another attorney in accordance with this Rule 29.

9. The Clerk shall immediately send written notice of the appointment, the pleadings filed to date, relevant correspondence and other documents to the appointed attorney who shall forthwith enter an appearance in the action. The Clerk shall also send immediate written notice to the newly represented party and to all other parties.

(c) Responsibilities of the Appointed Attorney.

1. The appointed attorney shall promptly communicate with his or her client.

2. If the appointed attorney reasonably perceives the potential applicability of any of the grounds enumerated in subparagraph (d)1(v) of this Rule 29, the attorney shall, before discussing the merits of the case with the client, advise the client of the provisions of Rule 29 (d)1(v). Where the attorney did not perceive such prior to discussing the merits of the case with the client, the attorney may request the client to execute a limited waiver of the attorney-client privilege permitting the attorney to disclose under seal to the Court information relevant to the applicability of Rule 29 (d)1(v). The waiver should indicate that the application for relief will be a privileged Court document and may not be used in the litigation. The client’s refusal to execute a waiver shall not preclude the attorney from applying for relief.

3. The appointed attorney should discuss fully the merits of the dispute with the party, and explore with the party the possibilities of resolving the dispute in other forums, including but not limited to administrative forums.

4. If the party decides to prosecute or defend the action after consultation with the appointed attorney, the appointed attorney shall proceed to represent the party in the action, unless or until the attorney-client relationship is terminated as provided in this Rule 29.

5. Once appointed, the attorney shall freely exercise his or her professional judgment, but shall not be required to represent the client in any other matter.

(d) Relief from Appointment.

1. A request for relief from appointment will not be considered unless the party has received specific notice of such request by personal service or by certified mail. Absent an appearance of new counsel, an appointed attorney may apply to be relieved of an appointment only on the following grounds: (i) a conflict of interest results from the representation of the party; (ii) the attorney believes that he or she is not competent to represent the party in the particular type of action assigned; (iii) a personal incompatibility or a substantial disagreement on litigation strategy exists between the attorney and the party; (iv) the attorney lacks the time necessary

to represent the client because of the temporary burden of other professional commitments; (v) the party appears to be proceeding for purposes of harassment or malicious injury, or the party's claims or defenses are not warranted under existing law and cannot be supported by good faith argument for extension, modification or reversal of existing law; or (vi) for other good cause shown.

2. If an application for relief from an appointment is granted, another attorney may be ordered to represent the party. The Judge shall have the discretion to deny a further appointment, in which case the party may prosecute or defend the action *pro se.*

3. Whenever an attorney seeks to be relieved of an order of appointment on any of the grounds set forth in subparagraph (d)1(v) above, he or she shall file an application for relief with the Clerk within a reasonable period of time not to exceed thirty (30) days after learning of the facts warranting such relief. The application shall set forth in full the factual and legal basis for the request. The application shall be a privileged Court document kept under seal and shall not be available in discovery or otherwise used in the litigation. The attorney appointed shall thereupon be relieved of the order of appointment upon showing any of the grounds set forth in subparagraph (d)1(v) above. The Clerk shall then, without revealing the contents of the application to the Judge, forthwith select another attorney to represent the party in accordance with the provisions of this Rule 29, unless the Judge determines not to order another appointment pursuant to paragraph (d)2 above.

4. An attorney selected pursuant to Rule 29 (d)3 may seek to be relieved from appointment on any of the grounds in subparagraph (d)1(v) of this Rule 29, by filing an application therefor. The Clerk shall thereupon submit the application for relief of the first and any subsequent appointed attorneys to the assigned Judge. The Judge shall either (i) deny the application of the subsequent attorney and direct that attorney to proceed with the representation or (ii) grant the application. In the latter instance, the Judge may choose not to issue a further order of appointment. If so, the Clerk shall inform the party that no further appointments shall be made. Upon request of the *pro se* party the Judge shall excuse himself or herself.

(e) Discharge.

1. A party for whom an attorney has been appointed may request the discharge of the appointed attorney and appointment of another attorney. Such requests must be made within thirty (30) days after the party's initial consultation with the appointed attorney, or within such additional period as is warranted by good cause.

2. When good cause is shown (*e.g.*, substantial disagreement between the party and the appointed attorney on litigation strategy), the appointed attorney shall be discharged from further representation of the party. In such cases, another attorney may thereupon be selected by the Clerk to undertake the representation, in accordance

with this Rule 29. The Judge may deny a further appointment in such cases. Where a party requests discharge of a second appointed attorney, no additional appointments shall be made.

3. Where (i) a request for discharge is not supported by good cause, or (ii) discharge of a second appointed attorney is requested, the party may prosecute or defend the action *pro se*. In either case, the appointed attorney shall be discharged from the representation.

(f) Expenses.

1. The appointed attorney shall bear any expenses of the litigation (*e.g.*, discovery expenses, subpoena fees, transcript expenses), unless the attorney has, prior to incurring such expenses, obtained an order from the Court authorizing such expense. Failure to obtain such an order will not bar the appointed attorney from seeking reimbursement pursuant to Rule 29(g)(1) and (3).

2. Upon appropriate application by the appointed attorney the Clerk shall certify those expenses for which the appointed attorney may be reimbursed, in accordance with the procedures utilized in *in forma pauperis* proceedings, in proceedings under the Criminal Justice Act or other guidelines issued by the Court. Thereafter, the assigned Judge may order reimbursement of the expenses of the litigation, as authorized by applicable statute, regulation, rule or other provision of law.

(g) Compensation for Services.

1. If the action is one for which compensation for legal services, costs and/or expenses may become available to the appointed attorney by statute, the Clerk shall so inform the *pro se* party at the time of the application for appointed counsel and at the time the appointment is made. The Clerk shall also then inform the party that any statutory fee may be awarded only by the Judge at the conclusion of the case.

2. *Pro se* litigants in Social Security disability cases shall be specifically advised by the Clerk that a statutory attorney's fee may be awarded to be paid from the award, if any, of retroactive disability benefits.

3. Upon appropriate application by the appointed attorney, the Judge may award attorney's fees, costs and/or expenses to the appointed attorney for services rendered in the action, as authorized by applicable statute, regulation, rule or other provision of law, and as the Judge deems just and proper. In deciding whether to award attorney's fees the Judge shall consider: (i) the relevant statutes and provisions of law; (ii) the source of the fee award; (iii) the services rendered; and (iv) any other factors he or she deems appropriate.

4. If the party is able to pay for legal services, upon application of the appointed attorney, the Judge may thereupon (i)

approve a fee arrangement between the party and the attorney, (ii) order a fee to be paid on a specified basis, or (iii) relieve the attorney from responsibilities of the appointment and permit the party to retain another attorney or to proceed *pro se*.

5. A fund shall be kept by the Clerk for the purpose of funding expenses that a party is unable to meet, in whole or in part. This fund shall consist of a portion of the fees collected in connection with applications for admission to the Bar of this Court and motions for admission *pro hac vice*. The Clerk shall review all applications of appointed attorneys for advance approval of part or all of a litigation expense and decide whether to authorize the expense and provide for payment from the fund. An appointed attorney may request the presiding Judge to review the Clerk's decision. If the party is subsequently reimbursed for an expense that had been funded in whole or in part from the Clerk's fund, the party shall be required to reimburse the fund.

(h) Duration of Representation.

1. An appointed attorney shall represent the party in the trial Court from the date he or she enters an appearance until he or she has been relieved from appointment by the Court or until a final judgment is entered in the District Court.

2. If the party desires to take an appeal from a final judgment or appealable interlocutory order, or if such judgment or order is appealed by another party, or if the matter is remanded to an administrative forum, the appointed attorney is encouraged but not required to represent the party on the appeal, and in any proceeding, judicial or administrative, which may ensue upon an order of remand.

3. Where the appointed attorney elects not to represent the party on an appeal or in a proceeding upon remand, the attorney shall advise the party of all required steps to be taken in perfecting the appeal or appearing in the proceeding on remand. Upon request of the *pro se* party the attorney shall file the notice of appeal. The trial Judge may thereafter, upon the request of the party, appoint another attorney from the Panel to represent the party on such appeal or further proceeding, in accordance with the provisions of this Rule 29.

RULE 30

RECORDINGS AND PHOTOGRAPHS

Except for ceremonial occasions, and then only upon the approval of the presiding Judge, the taking of photographs or the broadcasting by means of radio or television or the recording of the proceedings by any person other than the official Court reporter in or from the courtroom during the progress of or in connection with judicial proceedings, including proceedings before the Grand Jury or a Magistrate, whether or not the Court is actually in session, is prohibited.

RULE 31

SANCTIONS AGAINST COUNSEL

(a) It shall be the duty of counsel to promote the just, speedy and inexpensive determination of every action. The Court may impose sanctions directly against counsel who disobey an order of the Court or intentionally obstruct the effective and efficient administration of justice.

(b) Failure to Pay Costs or Sanctions. With the exception of a motion and supporting memorandum seeking reconsideration or review of an order imposing sanctions, the Clerk shall not accept for filing any papers from an attorney or *pro se* party against whom sanctions have been imposed until there has been payment of said sanctions. Pending payment, such attorney or *pro se* party also may be barred from appearing in court.

RULE 32

AUXILIARY ORDERS

Orders entered by the Court which affect the procedures or policies of practice before the Court but which do not amend or take the form of a Local Rule, shall be designated as Auxiliary Orders and shall be available in the Clerk’s office.

RULE 33

PROHIBITION ON COUNSEL AS WITNESS

(a) Refusing Employment When Counsel May be Called as a Witness.

A lawyer shall not accept employment in contemplated or pending litigation if he or she knows or it is obvious that he or she or a lawyer in the same firm ought to be called as a witness, except that he or she may undertake the employment and he or she or a lawyer in his or her firm may testify:

1. If the testimony will relate solely to an uncontested matter.

2. If the testimony will relate solely to a matter of formality and there is no reason to believe that substantial evidence will be offered in opposition to the testimony.

3. If the testimony will relate solely to the nature and value of the legal services rendered in the case by the lawyer or the law firm to the client.

(b) Withdrawal as Counsel When the Lawyer Becomes a Witness.

1. If, after undertaking employment in contemplated or pending litigation, a lawyer learns or it is obvious that he or she or a lawyer in the same firm ought to be called as a witness on behalf of the client, he or she shall withdraw from the conduct of the trial and the law firm shall not continue representation in the trial, except that the lawyer may continue the representation, and he or she or a lawyer in the law firm may testify in the circumstances enumerated in Rule 33(a).

2. If, after undertaking employment in contemplated or pending litigation, a lawyer learns or it is obvious that he or she or a lawyer in the same firm may be called as a witness other than on behalf of his or her client, the lawyer may continue the representation until it is apparent that his or her testimony is or may be prejudicial to the client.

(c) Discretion of Court To Provide Relief From This Rule When Lawyer In Same Firm Is Likely To Be A Witness.

The court may in the exercise of its sound discretion permit a lawyer to act as an advocate in a trial in which another lawyer in the lawyer’s firm is likely to be called as a witness if disqualification of the lawyer would work substantial hardship on the client and permitting the lawyer to act as an advocate would not cause prejudice to opposing parties.

RULE 34

COMPUTATION OF TIME

Except as otherwise specified in these Local Rules, Fed. R. Civ. P. 6 shall govern the computation of time limitations for purposes of computing any period of time prescribed or allowed by the Federal Rules of Civil Procedure, the Local Rules of this Court, any order of this Court, or any applicable statute.

RULE 35

DEPOSIT OF FUNDS IN COURT REGISTRY

(a) Order For Deposit - Interest Bearing Account.

Whenever a party seeks a Court order for money to be deposited by the Clerk in an interest-bearing account, the party shall file the order with the Clerk, who shall inspect the proposed order for proper form and content and compliance with this Rule prior to signature by the Judge for whom the order is prepared.

(b) Orders Directing Investment of Funds by Clerk.

Any order obtained by a party or parties in an action that directs the Clerk to invest in an interest-bearing account or instrument fund deposited in the registry of the Court pursuant to 28 U.S.C. Section 2041 shall include the following: (1) the amount to be invested; (2) the designation of the type of account or instrument in which the funds shall be invested; and (3) a direction that the Clerk deduct from the income earned on the investment a fee of ten percent (10%), whenever such income becomes available for deduction in the investment so held and without further order of the Court.

(c) Release of Deposited Funds.

Upon final determination of the action or at such other times as may be appropriate, a party or parties may seek a Court order releasing deposited funds, by submitting a proposed order which shall contain the following information: (1) the name, address and taxpayer identification number of any individual(s) or corporation(s) receiving the funds; and (2) the amount of principal and interest to be paid to any individual(s) or corporation(s). Funds cannot be released from the registry account of the Court without a Court order.

(d) Registry Account.

For the purpose of this Rule, the Registry Account of Court is held in Connecticut National Bank, 215 Church Street, New Haven, CT 06510.

RULE 36

ALTERNATIVE DISPUTE RESOLUTION (ADR)

1. In addition to existing ADR programs (such as Local Rule 28's Special Masters Program) and those promulgated by individual judges (e.g., Parajudicials Program), a case may be referred for voluntary ADR at any stage of the litigation deemed appropriate by the parties and the judge to whom the particular case has been assigned.

2. Before a case is referred to voluntary ADR, the parties must agree upon, subject to the approval of the Judge:

(a) The form of the ADR process (e.g., mediation, arbitration, summary jury trial, minitrial, etc.);

(b) The scope of the ADR process (e.g., settlement of all or specified issues, resolution of discovery schedules or disputes, narrowing of issues, etc.);

(c) The ADR provider (e.g., a court-annexed ADR project; a profit or not-for-profit private ADR organization; or any qualified person or panel selected by the parties);

(d) The effect of the ADR process (e.g., binding or nonbinding).

3. When agreement between the parties and the judge for a voluntary ADR referral has been reached, the parties shall file jointly for the judge's endorsement a "Stipulation for Reference to ADR." The Stipulation, subject to the judge's approval, shall specify:

(a) The form of ADR procedure and the name of the ADR provider agreed upon;

(b) The judicial proceedings, if any, to be stayed pending ADR (e.g., discovery matters, filing of motions, trial, etc.);

(c) The procedures, if any, to be completed prior to ADR (e.g., exchange of documents, medical examination, etc.);

(d) The effect of the ADR process (e.g., binding or nonbinding).

(e) The date or dates for the filing of progress reports by the ADR provider with the trial judge or for the completion of the ADR process; and

(f) The special conditions, if any, imposed by the judge upon any aspect of the ADR process (e.g., requiring trial counsel, the parties, and /or representatives of insurers with settlement authority to attend the voluntary ADR session fully prepared by make final demands or offers.)

4. Attendance at ADR sessions shall take precedence over all non-judicially assigned matters (depositions, etc.). With respect to court assignments that conflict with a scheduled ADR session, trial judges

may excuse trial counsel temporarily to attend the ADR session, consistent with the orderly disposition of judicially assigned matters. In this regard, trial counsel, upon receiving notice of an ADR session, immediately shall inform the trial Judge and opposing counsel in matters scheduled for the same date of his or her obligation to appear at the ADR session.

5. All ADR sessions shall be deemed confidential and protected by the provisions of Fed. R. Evid. 408 and Fed. R. Civ. P. 68. No statement made or document produced as part of an ADR proceeding, not otherwise discoverable or obtainable, shall be admissible as evidence or subject to discovery.

6. At the conclusion of the voluntary ADR session(s), the ADR provider’s report to the Judge shall merely indicate “case settled or not settled,” unless the parties agree to a more detailed report (e.g., stipulation of facts, narrowing of issues and discovery procedures, etc.). If a case settles, the parties shall agree upon the appropriate moving papers to be filed for the trial judge’s endorsement (Judgment, Stipulation for Dismissal, etc.). If a case does not settle but the parties agree to the narrowing of discovery matters or legal issues, then the ADR provider’s report shall set forth those matters for endorsement or amendment by the Judge.

RULE 37

INITIAL DISCLOSURE

Rule 26(a)(1) of the Federal Rules of Civil Procedure shall not be applicable in the District of Connecticut.

RULE 38

PARTIES' PLANNING CONFERENCE

(a) Within thirty (30) days after the appearance of any defendant, the attorneys of record and any unrepresented parties who have appeared in the case shall confer for the purposes described in Fed. R. Civ. P. 26(f). If a government entity or official is a defendant, the conference shall be held within thirty (30) days after the appearance of any such defendant. The conference shall be initiated by the plaintiff and may be conducted by telephone. Within ten (10) days after the conference, the participants shall jointly complete and file a report in the form prescribed by Form 26(f), which appears in the Appendix to these Rules. A copy of the report shall be mailed to the chambers of the presiding Judge.

(b) After the parties' report is filed, the Court will issue a written scheduling order pursuant to Fed. R. Civ. P. 16(b). Until such a scheduling order is issued, the case will be governed by the provisions of the Standing Order on Scheduling In Civil Cases.

(c) This rule shall not apply to the following categories of cases: prisoner petitions; review of decisions by administrative agencies, including social security disability matters; recovery of defaulted student loans; recovery of overpayment of veterans' benefits; forfeiture actions; petitions to quash Internal Revenue summons; appeals from Bankruptcy Court orders; proceedings to compel arbitration or to confirm or set aside awards and cases under the Freedom of Information Act.

(d) This rule applies to cases filed on or after June 1, 1995.

FORM 26(F)
REPORT OF PARTIES' PLANNING MEETING

Caption of Case

[List all parties]

Date Complaint Filed:

Date Complaint Served:

Date of Defendant's Appearance:

Pursuant to Fed. R. Civ. P. 16(b), 26(f) and D. Conn. L. Civ. R. 38, a conference was held on [date]. The participants were:

_____ for plaintiff [party name]

_____ for defendant [party name]

I. Certification

Undersigned counsel certify that, after consultation with their clients, they have discussed the nature and basis of the parties' claims and defenses and any possibilities for achieving a prompt settlement or other resolution of the case and, in consultation with their clients, have developed the following proposed case management plan. Counsel further certify that they have forwarded a copy of this report to their clients.

II. Jurisdiction

A. Subject matter Jurisdiction

B. Personal Jurisdiction

III. Brief Description of Case

A. Claims of Plaintiff(s):

B. Defenses and Claims (Counterclaims, Third Party Claims, Cross Claims) of Defendant(s):

C. Defenses and Claims of Third Party Defendant(s):

IV. Statement of Undisputed Facts

Counsel certify that they have made a good faith attempt to determine whether there are any material facts that are not in dispute. The parties state that the following material facts are undisputed:

V. Case Management Plan

A. Standing Order on Scheduling in Civil Cases

The parties [request] [do not request] modification of the deadlines in the Standing Order on Scheduling in Civil Cases [as follows]:

B. Scheduling Conference with the Court

The parties [request] [do not request] a pretrial conference with the Court before entry of a scheduling order pursuant to Fed. R. Civ. P. 16(b). The parties prefer a conference [in person] [by telephone].

C. Early Settlement Conference

1. The parties certify that they have considered the desirability of attempting to settle the case before undertaking significant discovery or motion practice. Settlement [is likely] [is unlikely at this time] [may be enhanced by use of the following procedure]:_____.

2. The parties [request] [do not request] an early settlement conference.

3. The parties prefer a settlement conference with [the presiding Judge] [a Magistrate Judge] [a parajudicial officer] [special masters].

4. The parties [request] [do not request] a referral for alternative dispute resolution pursuant to D. Conn. L. Civ. R. 36.

D. Joinder of Parties and Amendment of Pleadings

1. Plaintiff(s) should be allowed until [date] to file motions to join additional parties and until [date] to file motions to amend the pleadings.

2. Defendant(s) should be allowed until [date] to file motions to join additional parties and until [date] to file a response to the complaint.

E. Discovery

1. The parties anticipate that discovery will be needed on the following subjects: [list each of the principal issues of fact on which discovery will be needed; a statement that “discovery will be needed on liability and damages” is insufficient].

2. All discovery, including depositions of expert witnesses pursuant to Fed. R. Civ. P. 26(b)(4), will be commenced by [date] and completed (not propounded) by [date].

3. Discovery [will] [will not] be conducted in phases.

4. Discovery on [issues for early discovery] will be completed by [date].

5. The parties anticipate that the plaintiff(s) will require a total of ____ depositions of fact witnesses and that the defendant(s) will require a total of ____ depositions of fact witnesses. The depositions will commence by [date] and be completed by [date].

6. The parties [will] [will not] request permission to serve more than twenty-five (25) interrogatories.

7. Plaintiff(s) [intend] [do not intend] to call expert witnesses at trial. Plaintiff(s) will designate all trial experts and provide opposing counsel with reports from retained experts pursuant to Fed. R. Civ. P. 26(a)(2) by [a date not later than three (3) months before the deadline for completing all discovery]. Depositions of any such experts will be completed by [a date not later than two (2) months before the deadline for completing all discovery].

8. Defendant(s) [intend] [do not intend] to call expert witnesses at trial. Defendant(s) will designate all trial experts and provide opposing counsel with reports from retained experts pursuant to Fed. R. Civ. P. 26(a)(2) by [a date not later than one (1) month before the deadline for completing all discovery]. Depositions of such experts will be completed by [a date not later than the discovery cutoff date].

9. A damages analysis will be provided by any party who has a claim or counterclaim for damages by [date].

F. Dispositive Motions

Dispositive motions will be filed on or before [date].

G. Joint Trial Memorandum

The joint trial memorandum required by the Standing Order on Trial Memoranda in Civil Cases will be filed by [date].

VI. Trial Readiness

The case will be ready for trial by [date].

As officers of the Court, undersigned counsel agree to cooperate with each other and the Court to promote the just, speedy and inexpensive determination of this action.

Plaintiff

By _____ Date:

Defendant

By _____ Date:

The undersigned *pro se* parties certify that they will cooperate with all other parties, counsel of record and the Court to promote the just, speedy and inexpensive determination of this action.

Plaintiff _____ Date:

Defendant _____ Date:

RULE 39

DEFINITIONS APPLICABLE TO DISCOVERY REQUESTS

(a) The full text of the definitions and rules of construction set forth in paragraphs (c) and (d) herein is deemed incorporated by reference into all discovery requests filed in this District, but shall not preclude (i) the definition of other terms specific to the particular litigation, (ii) the use of abbreviations or (iii) a more narrow definition of a term defined in paragraph (c).

(b) This Rule is not intended to broaden or narrow the scope of discovery permitted by the Federal Rules of Civil Procedure for the United States District Courts.

(c) The following definitions apply to all discovery requests:

(1) *Communication.* The term 'communication' means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

(2) *Document.* The term 'document' is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a). A draft or non-identical copy is a separate document within the meaning of this term.

(3) *Identify (With Respect to Persons).* When referring to a person, to 'identify' means to provide, to the extent known, the person's full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

(4) *Identify (With Respect to Documents).* When referring to documents, to 'identify' means to provide, to the extent known, information about the (i) type of document; (ii) its general subject matter; (iii) the date of the document; and (iv) author(s), addressee(s) and recipient(s).

(5) *Parties.* The terms 'plaintiff' and 'defendant' as well as a party's full or abbreviated name or a pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

(6) *Person*. The term 'person' is defined as any natural person or any business, legal or governmental entity or association.

(7) Concerning. The term 'concerning' means relating to, referring to, describing, evidencing or constituting.

(d) The following rules of construction apply to all discovery requests:

(1) *All/Each*. The terms ‘all’ and ‘each’ shall both be construed as all and each.

(2) *And/Or*. The connectives ‘and’ and ‘or’ shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

(3) *Number*. The use of the singular form of any word includes the plural and vice versa.

RULE 40

OFFER OF JUDGMENT

When an offer of judgment is filed pursuant to Connecticut General Statute, §52-192a, the offer of judgment shall be filed in a sealed envelope bearing the caption of the case, the case number and the caption of the document. The document shall remain under seal until (a) the defendant files and acceptance of the offer of judgment at which time the clerk shall enter judgment, or (b) after trial to allow the court to decide whether the plaintiff is entitled to additional interest on the amount recovered, or (c) when the clerk retires the record to the Federal Records Center.

(Adopted December 10, 1999 and effective January 3, 2000)

STANDING ORDER ON SCHEDULING IN CIVIL CASES

1. Order on Pretrial Deadlines. Except in cases exempted by Local Civil Rules 11 and 38, the Clerk, acting pursuant to the authority of the Court, shall enter in each civil action an Order on Pretrial Deadlines, which Order shall contain the deadlines listed in paragraph 2 of this Standing Order. Said Order shall be entered at the time of the filing of the complaint, and will control the course of the action until a further Scheduling Order is issued pursuant to Fed. R. Civ. P. 16(b) and Local Rule 11(a)(2).

2. Presumptive Filing Deadlines. Unless otherwise ordered by the presiding Judge, parties in civil cases will adhere to the following deadlines:

(a) In accordance with Local Rule 38, within thirty (30) days after the appearance of a defendant, the parties shall confer for the purposes described in Fed. R. Civ. P. 26(f). Within ten (10) days thereafter, the parties shall jointly file a report on Form 26(f), which appears in the Appendix to the Local Civil Rules.

(b) All motions relating to joinder of parties, claims or remedies, class certification, and amendment of the pleadings shall be filed within sixty (60) days after the filing of the complaint, the filing of a petition for removal, or the transfer of an action from another District, except that a defendant may file a third-party complaint within ten (10) days of serving an answer, as permitted by Fed. R. Civ. P. 14(a).

(c) All motions to dismiss based on the pleadings shall be filed within ninety (90) days after the filing of the complaint, the filing of a petition for removal, or the transfer of an action from another District. The filing of a motion to dismiss will not result in a stay of discovery or extend the time for completing discovery.

(d) Formal discovery pursuant to the Federal Rules of Civil Procedure may not commence until the parties have conferred as required by Fed. R. Civ. P. 26(f) and Local Civil Rule 38 but the parties may commence formal discovery immediately thereafter without awaiting entry of a scheduling order pursuant to Fed. R. Civ. P. 16(b). Informal discovery by agreement of the parties is encouraged and may commence at anytime. Unless otherwise ordered, discovery shall be completed within six (6) months after the filing of the complaint, the filing of a petition for removal, or the transfer of an action from another District.

(e) Unless otherwise ordered, all motions for summary judgment shall be filed within seven (7) months after the filing of the complaint, the filing of a petition for removal, or the transfer of an action from another District.

3. Modification. This Order may be modified pursuant to a stipulation signed by all parties and approved by the presiding Judge,

or on motion by any party for good cause shown or by the presiding Judge acting *sua sponte*. The good cause standard requires a particularized showing that the schedule established by this order cannot reasonably be met despite the diligence of the party seeking the extension. Unless specifically ordered by the Court, an extension of time to comply with any one of the time limits in this Order does not automatically extend the time to comply with subsequent time limits.

4. Status and Settlement Conferences. The Court may schedule the case for a status conference or a settlement conference at any time.

5. Standing Order Regarding Trial Memoranda in Civil Cases. Counsel are alerted that, at an appropriate time during the progress of the case, each party may be ordered to prepare and submit, or the parties may be ordered to jointly prepare and submit, a trial memorandum substantially in the form described in the Standing Order Regarding Trial Memoranda in Civil Cases, which is published in the Local Rules. Counsel should familiarize themselves with that Standing Order and with the particular practice of the Judge to whom the case has been assigned.

STANDING ORDER REGARDING
TRIAL MEMORANDA IN CIVIL CASES

At the discretion of the presiding Judge, each party may be ordered to prepare and submit, or the parties may be ordered to jointly prepare and submit, a trial memorandum in duplicate which shall contain the following information:

1. *Trial Counsel.* List the names, addresses and telephone numbers of the attorneys who will try the case. Trial counsel must attend the pretrial conference unless excused by the Court.

2. *Jurisdiction.* Set forth the basis for federal jurisdiction.

3. *Jury-Nonjury.* State whether the case is a jury or court case.

4. *Nature of Case.* State separately the nature of each cause of action and relief sought.

5. *Stipulations of Fact and Law.* Prepare a list of stipulations on any issues of fact and/or law as to which the parties have been able to agree.

6. *Plaintiff's Contentions.* State generally the plaintiff's factual contentions with respect to each cause of action.

7. *Defendant's Contentions.* State generally the defendant's factual contentions with respect to defenses, counterclaims and setoffs.

8. *Legal Issues.* List the legal issues presented by the factual contentions of the parties.

9. *Voir Dire Questions.* For jury cases, attach a list of proposed questions to be submitted to the jury panel.

10. *List of Witnesses.* Set forth the name and address of each witness to be called at trial, with a brief statement of the anticipated testimony. Witnesses not listed, except rebuttal and impeachment witnesses, will not be permitted to testify at trial, except for good cause shown.

11. *Exhibits.* Attach a list of all exhibits, with a brief description of each, that each party will offer at trial on the case-in-chief. Exhibits not listed, except rebuttal and impeachment exhibits, will not be admissible at trial except for good cause shown. All objections to designated exhibits, except as to relevance, must be filed in writing, to be resolved between the parties or by Court ruling prior to jury selection.

12. *Deposition Testimony.* List each witness who is expected to testify by deposition at trial. Such list shall include designation by page references of the deposition transcript which each party proposes to read into evidence. Cross-designations shall be listed as provided by Fed. R. Civ. P. 32(a)(4). The lists shall include all objections to deposition designations. These objections must be resolved between the parties or by Court ruling prior to jury

selection. After submission, the Court will permit amendment of the lists only for good cause shown. At the time of trial, the Court will permit reading of testimony from a deposition only in the order in which it was taken.

13. *Requests for Jury Instructions.* For jury cases, attach requests for the jury charge.

14. *Anticipated Evidentiary Problems.* Attach memoranda of fact and law concerning evidentiary problems anticipated by the parties.

15. *Proposed Findings and Conclusions.* For non-jury cases, attach proposed findings of fact and conclusions of law.

16. *Trial Time.* Counsel shall set forth a realistic estimate of trial days required.

17. *Further Proceedings.* Specify, with reasons, the necessity of any further proceedings prior to trial.

18. Election for Trial by Magistrate. The parties shall indicate whether they have agreed to have the case tried by a United States Magistrate, and if so, indicate whether the parties have elected to have any appeal heard by the District Court or by the Court of Appeals.

STANDING ORDER IN CIVIL RICO CASES

In all civil actions where the complaint contains a cause of action pursuant to 18 U.S.C. Sections 1961-1968 the plaintiff shall file a RICO Case Statement within twenty (20) days of filing the complaint. Consistent with counsel's obligations under Fed. R. Civ. P. 11 to make a "reasonable inquiry" prior to the filing of the complaint, the RICO Case Statement shall state in detail the following information:

1. The alleged unlawful conduct that is claimed to be in violation of 18 U.S.C. Sections 1962 (a), (b), (c) and/or (d).

2. The identity of each defendant and the alleged misconduct and basis of liability of each defendant.

3. The identity of the alleged wrongdoers, other than the defendants listed in response to paragraph 2, and the alleged misconduct of each wrongdoer.

4. The identity of the alleged victims and the manner in which each victim was allegedly injured.

5. A description of the pattern of racketeering activity or collection of unlawful debts alleged for each RICO claim, which shall include the following information:

a. The alleged predicate acts and the specific statutes which were allegedly violated;

b. The dates of the predicate acts, the participants in the predicate acts, and a description of the facts surrounding the predicate acts;

c. If the RICO claim is based on the predicate offenses of wire fraud, mail fraud, or fraud in the sale of securities, the "circumstances constituting fraud or mistake shall be stated with particularity." Fed. R. Civ. P. 9(b). The time, place and contents of the alleged misrepresentations, and the identity of persons to whom and by whom the alleged misrepresentations were made shall be identified;

d. Whether there has been a criminal conviction for violation of the predicate acts;

e. Whether civil litigation has resulted in a judgment in regard to the predicate acts;

f. The manner in which the predicate acts form a "pattern of racketeering activity"; and

g. Whether the alleged predicate acts relate to each other as part of a common plan, and if so, a detailed description of the common plan.

6. A detailed description of the alleged enterprise for each RICO claim, which shall include:

a. The names of the individuals, partnerships, corporations, associations,or other legal entities, which allegedly constitute the enterprise;

b. The structure, purpose, function and course of conduct of the enterprise;

c. Whether any defendants are employees, officers or directors of the alleged enterprise;

d. Whether any defendants are associated with the alleged enterprise;

e. Whether plaintiff contends that the defendants are individuals or entities separate from the alleged enterprise, or that the defendants are the enterprise itself, or members of the enterprise; and

f. If any defendants are alleged to be the enterprise itself, or members of the enterprise, an explanation as to whether such defendants are perpetrators, passive instruments, or victims of the alleged racketeering activity.

7. Whether plaintiff contends that the pattern of racketeering activity and the enterprise are separate or have merged into one entity.

8. The alleged relationship between the activities of the enterprise and the pattern of racketeering activity, including a description of the manner in which the racketeering activity differs, if at all, from the usual and daily activities of the enterprise.

9. The benefits, if any, the alleged enterprise receives or has received from the alleged pattern of racketeering.

10. The effect of the activities of the enterprise on interstate or foreign commerce.

11. If the complaint alleges a violation of 18 U.S.C. § 1962(a), provide the following information:

a. The identity of the individual(s) who received the income derived from the pattern of racketeering activity or through the collection of an unlawful debt; and

b. The use or investment of such income.

12. If the complaint alleges a violation of 18 U.S.C. § 1962(b), describe in detail the acquisition or maintenance of any interest in or control of the alleged enterprise.

13. If the complaint alleges a violation of 18 U.S.C. Section 1962(b), provide the following information:

a. The individuals who are employed by or associated with the enterprise; and

b. Whether the same entity is both the liable “person” and the “enterprise” under Section 1962(c).

14. If the complaint alleges a violation of 18 U.S.C. Section 1962(d), describe in detail the alleged conspiracy.

15. The alleged injury to business or property.

16. The direct casual relationship between the alleged injury and the violation of the RICO statute.

17. The damages sustained for which each defendant is allegedly liable.

18. A description of other federal causes of action alleged in the complaint, if any, and citation to the relevant statutes.

19. A description of all pendent state claims alleged in the complaint, if any.

20. Any additional information plaintiff feels would be helpful to the Court in processing the RICO claim.

STANDING ORDER IN REMOVED CASES

All parties removing actions to this Court pursuant to 28 U.S.C. Section 1441 shall, no later than five (5) days after filing a notice of removal, file and serve a signed statement that sets forth the following information:

1. The date on which each defendant first received a copy of the summons and complaint in the state court action.

2. The date on which each defendant was served with a copy of the summons and complaint, if any of those dates are different from the dates set forth in item 1.

3. In diversity cases, whether any defendant who has been served is a citizen of Connecticut.

4. If removal takes place more than thirty (30) days after any defendant first received a copy of the summons and complaint, the reasons why removal has taken place at this time.

5. The name of any defendant served prior to the filing of the notice of removal who has not formally joined in the notice of removal and the reasons why any such defendant did not join in the notice of removal.

At the time a removal notice is filed with the Clerk of this Court, the removing party shall also file with the Clerk a separate notice, entitled “Notice of Pending Motions,” specifying any pending motions that require action by a Judge of this Court and attaching a true and complete copy of each such motion and all supporting and opposition papers.

The removing party shall list in its certificate of service immediately below the name and address of counsel the name of the party or parties represented by said counsel and all parties appearing *pro se*.